

United States District Court

for the
Western District of New York



United States of America

v.

Case No. 25-mj- *5042*

JUNIOR EDUARDO GARCIA CASTRO

Defendant

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of February 18, 2025, in the Western District of New York, the defendant, an alien, was found in the United States, after previously being removed or deported from the United States, without prior authorization or approval from the Attorney General of the United States, or the Secretary of the Department of Homeland Security, in violation of Title 8, United States Code, Sections 1326(a).

This Criminal Complaint is based on these facts:

Continued on the attached sheet.


Ryan A. Kwiatkowski
 Complainant's signature

RYAN KWIATKOWSKI
PATROL AGENT
U.S. BORDER PATROL

Ryan A. Kwiatkowski
 Printed name and title

Sworn to before me and signed telephonically.

Date: February 21, 2025


Michael J. Roemer
 Judge's signature

HONORABLE MICHAEL J. ROEMER
UNITED STATES MAGISTRATE JUDGE

Michael J. Roemer
 Printed name and title

City and State: Buffalo, New York

AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT

STATE OF NEW YORK)
COUNTY OF NIAGARA) SS:
CITY OF NIAGARA FALLS)

I, RYAN A. KWIATKOWSKI, being duly sworn, deposes and states:

1. I am a United States Border Patrol Agent with the United States Border Patrol, within the Department of Homeland Security (DHS), stationed in Niagara Falls, New York. I have been employed as a Border Patrol Agent for thirteen (13) years. In such capacity, my official duties include investigating persons who have violated federal immigration laws and other related federal statutes. I have conducted and participated in investigations relating to Illegal Re-Entry After Deportation in violation of Title 8, United States Code, Section 1326.
2. As a Border Patrol Agent, I am authorized to investigate violations of laws of the United States, and I am a Law Enforcement Officer with the authority to affect arrests and execute criminal complaints and warrants issued under the authority of the United States. As part of my current duties, I have become involved in an investigation of a suspected violation of Title 8, United States Code, Sections 1326(a).
3. I make this affidavit in support of a criminal complaint charging JUNIOR EDUARDO GARCIA CASTRO (hereinafter “the defendant”), born in 1996, in Honduras, an alien, with having been found in the United States after having been previously removed or deported from the United States without first applying to the Attorney General, or his

successor, the Secretary of the Department of Homeland Security, for permission to re-enter the United States, in violation of Title 8, United States Code, Sections 1326(a).

4. The statements contained in this affidavit are based upon my personal observations, my training and experience, my review of official records, and upon information provided to me by other U.S. Border Patrol Agents and other law enforcement officers. Because this affidavit is being submitted for the limited purpose of securing a criminal complaint, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to believe that the defendant did knowingly violate Title 8, United States Code, Section 1326(a).

5. On or about February 18, 2025, at approximately 8:30 p.m., Officer Rosart of the North Tonawanda Police Department stopped a vehicle after observing it conduct an unsafe lane change in the vicinity of 886 Niagara Falls Boulevard in North Tonawanda, New York, in the Western District of New York. During the stop, Officer Rosart encountered the defendant as an occupant of the vehicle.

6. The North Tonawanda Police Department contacted the U.S. Border Patrol to assist them with identifying the occupants of the vehicle and in Spanish translation. U.S. Border Patrol Agents spoke with the defendant and determined through questioning that he is a citizen and national of Honduras, and not a National of the United States. The defendant

admitted to being a citizen and national of Honduras and that he did not have any documents that would allow him to be or remain in the United States lawfully.

7. U.S. Border Patrol Agents took the defendant into custody. As a part of processing, an electronic scan of the defendant's fingerprints into the Integrated Automated Fingerprint Identification System (IAFIS) to verify his identity and any immigration history he may have in the United States. This query resulted in an identical biometric match revealing that the defendant had been issued FBI number VX19TM9TN, and immigration fingerprint identification number 1234216078. FBI number VX19TM9TN referenced multiple charges for Driving Without a License in the state of Georgia.

8. Immigration database record checks associated to alien number A201430086 revealed that the defendant was ordered removed multiple times by an immigration judge. First in Brownfield, California, on or about November 26, 2018. Records further revealed that the defendant was physically deported from the United States, through Phoenix, Arizona, on or about December 19, 2018. Second, in Del Rio, Texas on or about April 8, 2022. Records further revealed that the defendant was physically deported from the United States through Alexandria, Louisiana on or about April 29, 2022.

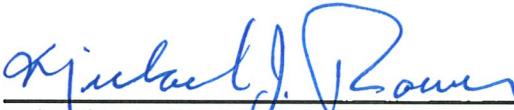
9. Record checks failed to disclose any record that the defendant had applied for or received the requisite permission to reenter the United States from the Attorney General or the Secretary of Homeland Security.

10. Based upon the foregoing, your affiant respectfully submits that there is probable cause to believe that **JUNIOR EDUARDO GARCIA CASTRO** was found in the United States after having been previously deported and removed from the United States without first applying to the Attorney General, or the Secretary for the Department of Homeland Security, for permission to re-enter the United States, in violation of Title 8, United States Code, Section 1326(a).



RYAN A. KWIATKOWSKI
U.S. Border Patrol Agent

Sworn to me and signed telephonically this
21st day of February, 2025



HONORABLE MICHAEL J. ROEMER
U.S. Magistrate Judge